

UNITED STATES DISTRICT COURT  
Northern District of California

BOARD OF TRUSTEES OF THE CLERKS  
AND LUMBER HANDLERS PENSION  
FUND,

No. C 10-1757 MEJ)

Plaintiff,

**NOTICE OF REFERRAL**

v.

PIEDMONT LUMBER 7 MILL CO., INC.,

Defendant.

The above-captioned case is scheduled for a hearing on Plaintiff's pending Motion for Default Judgment, (Dkt. #11), on December 2, 2010 in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Pursuant to Civil Local Rule 7, any opposition to Plaintiff's motion shall be filed by November 12, 2010, and Plaintiff shall file any reply by November 18, 2010.

If no opposition is filed, Plaintiff shall file detailed proposed findings of fact and conclusions of law by November 18, 2010. The proposed findings shall address the following: (1) the basis for the Court's subject matter jurisdiction; (2) the basis for the Court's personal jurisdiction, which, if seeking default judgment against any out-of-state defendants, shall include a minimum contacts analysis under *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004); and (3) an analysis of each individual factor in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Further, if Plaintiff seeks attorney's fees and costs, the proposed findings shall include the following: (1) evidence supporting the request for hours worked, including a breakdown and identification of the subject matter of each person's time expenditures; (2) evidence that the requested rates are in

1 line with those prevailing in the community for similar services of lawyers of reasonably comparable  
2 skill and reputation; and (3) rate determinations in other cases of similarly complex litigation,  
3 particularly those setting a rate for the plaintiff's attorney. Plaintiff shall ensure that a copy of the  
4 proposed findings is emailed to mejpo@cand.uscourts.gov. The Court prefers that proposed  
5 findings be emailed in WordPerfect format; however, Microsoft Word format is also acceptable.

6 In addition, the parties shall lodge with chambers a printed copy of any electronically-filed  
7 documents by noon of the next court day following the day the papers are filed electronically. These  
8 printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an  
9 envelope clearly marked with "Magistrate Judge James," the case number and "E-Filing Chambers  
10 Copy." **ALL CHAMBERS COPIES MUST INCLUDE ON EACH PAGE THE RUNNING**  
11 **HEADER CREATED BY THE ECF SYSTEM. ELECTRONICALLY FILED DOCUMENTS**  
12 **MUST BE CITED IN ALL OTHER DOCUMENTS AS FOLLOWS: DKT#\_\_ AT \_\_.**

13 Plaintiff shall serve this order upon all other parties in this action. Please contact the  
14 courtroom deputy, Brenda Tolbert, at (415) 522-4708 with any questions.

15 **IT IS SO ORDERED.**

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17 Dated: October 20, 2010

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20 Maria-Elena James  
21 Chief United States Magistrate Judge  
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